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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20054

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In Re:)
)
Amendment of Section 73.202(b)) MM Docket 98-_____
Table of FM Allotments)
(Healdton, OK and Krum, TX))

To: John Karousos
Chief, Allocations Branch

PETITION FOR RULE MAKING

Pursuant to Sections 1.401, 1.420(g)(3) and 1.420(i)(1) of the Commission's rules, Lake Country Communications, Inc. -- licensee of station KICM (FM), Healdton, OK -- respectfully submits this Petition for Rule Making to amend the FM Table of Allotments to substitute channel 229C3 for channel 229C2 at Healdton, OK , the reallocation of channel 229C3 from Healdton, OK to Krum, TX and the modification of the license for station KICM accordingly, so as to provide a first local service for Krum.

Upon a grant, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, would be amended as follows:

	<u>Present</u>	<u>Proposed</u>
Healdton, OK	229C2	^{1/}
Krum, TX	--	229C3

The coordinates for this proposed allotment to Krum, TX are 33-26-34 North and 97-08-08 West. The new site is approximately 69 kilometers from the currently authorized site. If this Petition is granted, a CP will be requested and a new facility built.

^{1/} In a separate proceeding, the licensee of channel 249C3 is proposing the reallocation of its channel from Pauls Valley, OK to Healdton, OK.

PRELIMINARY STATEMENT

The allocation reference point in this Petition complies with the minimum distance separation requirements set forth in Section 73.207 of the FCC's rules. See Technical Study, attached hereto as Appendix A (Table at page 3). The modification of license and change of community can be made in this proceeding since the modification will occur on a mutually exclusive co-channel. See 47 CFR 1.420(g)(3) and (1).

The requested change in allotments will not deprive Healdton, OK, of its only local aural service ^{2/} and will result in a "net service benefit for the affected communities." See Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870, 4874 (1989).

Discussion

I. KRUM, TX, IS A "COMMUNITY" FOR FCC ALLOTMENT PURPOSES

1. The Communications Act requires the FCC to allot all radio frequencies in a "fair" manner among the nation's various "communities." See 47 USC 307(b). Accordingly, the FCC historically has endeavored to allot radio frequencies to any "community" -- regardless of size and whether or not incorporated ^{3/} -- that constitutes a "geographically identifiable population group-

^{2/} See note 1, supra.

^{3/} See, e.g., Musical Heights, Inc., 29 FCC 1 (1960).

ing." See FM Channel Policies/Procedures, 90 FCC 2d 88, 101 (1982).

2. Krum is designated in the 1990 Census as a "city," with a 1990 population of approximately 1,542 persons. It is located outside of any urbanized area. Krum's Census designation is a legally sufficient basis under FCC precedent to demonstrate its status as a community. ^{4/}

II. THE PROPOSAL WILL RESULT IN A PREFERENTIAL ARRANGEMENT OF ALLOTMENTS

3. The proposal meets the FCC's allotment requirements. See Modification of Community of License, supra, 4 FCC Rcd at 4873. Under this proposal, the city of Krum, TX, will gain its first local broadcast service, a factor of the highest priority in the FM allocation scheme. See Revision of FM Assignments, Policies and Procedures, 90 FCC 2d 88, 90-2 (1982). The entire city of Krum will receive city-grade service from the reference coordinates. See Appendix A at 4 (City-Grade Coverage Map).

4. Moreover, Healdton, OK, will continue to receive local aural service. ^{5/} Furthermore, KICM's Healdton, OK, service area is already well served by five (5) or more aural reception services; for example, in the small Healdton "loss" area, daytime service would still be provided by five or more aural services

^{4/} See, e.g., Willows and Dunnigan, CA, RM-8416, 10 FCC Rcd 11522 (1995).

^{5/} See note 1, supra.

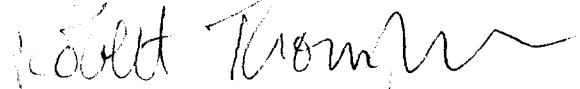
(even assuming no replacement service from KGOK (FM)) and nighttime service would be equivalent. See Appendix A at 5 & 6. ^{6/}

5. Finally, the loss of a C2 allotment at Healdton (and its corresponding replacement by a C3 allotment at Healdton, OK) ^{1/} is outweighed by the overwhelming public benefits derived from providing a "first" local service to Krum, TX. See Modification of Community of License, supra, 4 FCC Rcd at 4874 ("a change in community of license that would result in a preferential arrangement of allotments should not [be] precluded because the licensee will no longer serve its original community of license").

CONCLUSION

6. In view of the foregoing, the FCC should issue a Notice of Proposed Rulemaking, proposing the substitution of channel 229C3 for channel 229C2 at Healdton, OK, the reallocation of channel 229C3 from Healdton, OK to Krum, TX, and the modification of KICM (FM)'s license to specify operation at Krum, TX.

Respectfully submitted,



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(703) 836-9400

February 20, 1998

cc: Wright & Wright, Inc. (KGOK-FM)
Lake Country Communications, Inc.

^{6/} Only a de minimis area will receive only four nighttime aural services. See Appendix A at 6 (Nighttime Area Loss Study). Moreover, that small area would be served by the channel 249C3 replacement service (from Pauls Valley, OK). See note 1.

^{1/} See note 1.

TECHNICAL NARRATIVE

This technical showing is prepared to support a request to change city of license of KICM-FM from Healdton, Oklahoma to Krum, Texas.

The proposed reference coordinates are:

33°26'34" North, 97°08'08" West.

This site is 69 kilometers from the current authorized site.

The Allocation Tabulations exhibit demonstrates that this site meets all spacings as required by §73.207 of the FCC Rules for existing Channel 229 Class C3. The City Coverage Map exhibit demonstrates that the entire city of Krum, TX receives service from the reference coordinates at maximum facilities, as required by §73.315.

According to the 1990 US Census, Krum is designated as a "city" and has a population of 1,542 persons in 546 households. The city is located outside any urbanized area. The proposed operation will provide service to 163,673 persons in 4,727 square kilometers.

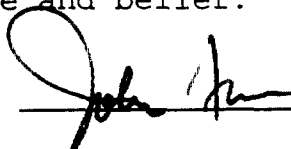
In a separate proceeding, KGOK-FM, licensed to Pauls Valley, OK is proposed to be moved to Healdton, OK as replacement local service for KICM-FM for Healdton as a Class C3. The current licensed operation is a Class C2 and is being replaced with a Class C3. Because the proposed replacement is a lower class, a "white area" study of area lost is shown in the attached exhibits. Due to the complexity of the multiple lines, the presentation is made without base map information so the area affected can be clearly seen. Daytime there are more than 5 services covering the entire area lost. Because some AM stations are used, a separate nighttime service map is shown. All but a small area at night is served by 5 or more stations. A small nighttime area is shown with 4 stations serving. It is believed that the small area with only 4 services would be served with the new replacement service as the fifth service.

A site map is included in this petition to verify that the proposed reference coordinates meets the requirements for potential location for actual construction.

Because the area is well served, the replacement service is proposed, and the proposed site meets FCC spacing and city coverage, this proposal is grantable.

My qualifications are a matter of record with the FCC. The above information and attached exhibits are true and correct according to my knowledge and belief.

January 9, 1998



John R. Furr

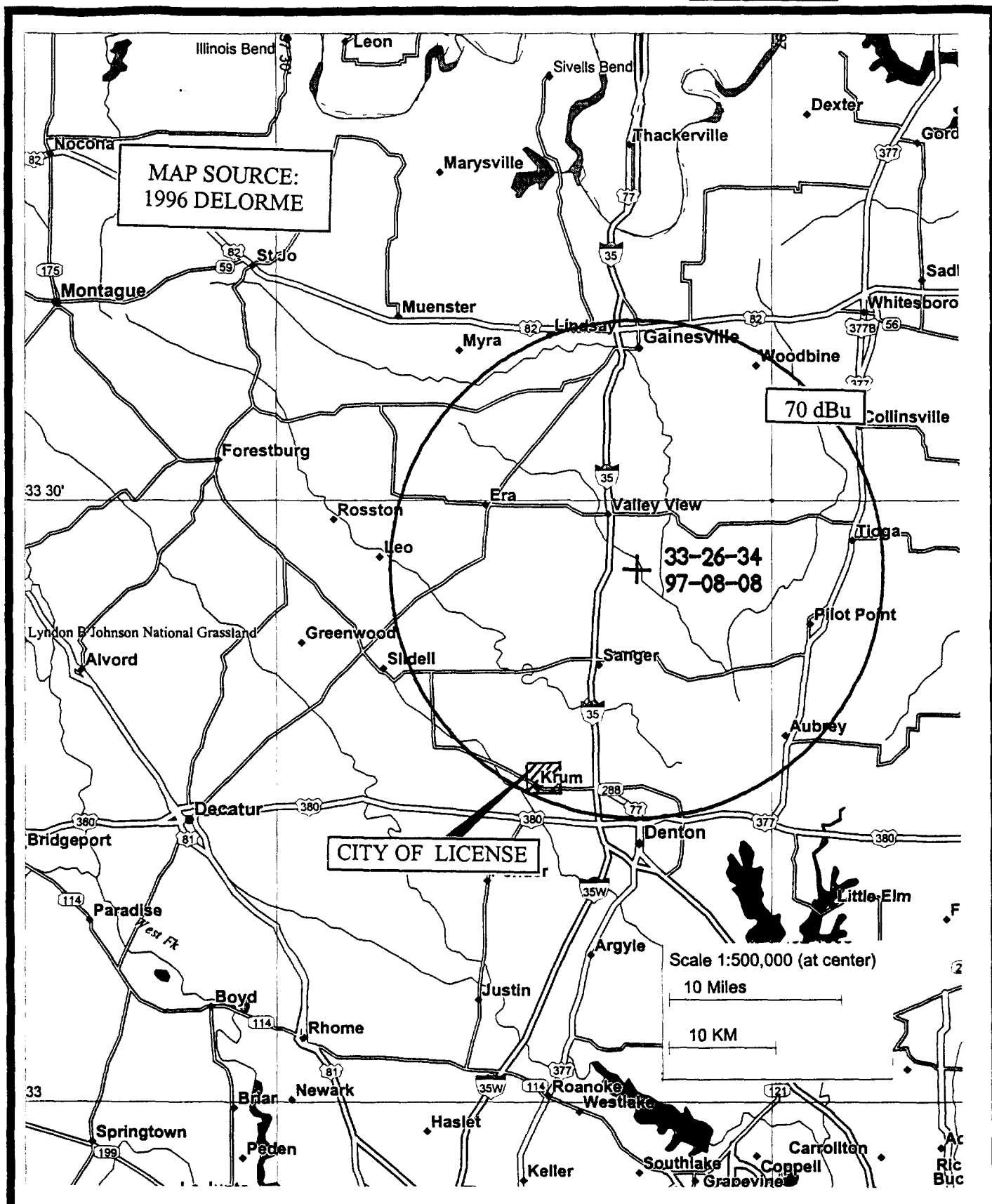
02-18-1998

John Furr & Associates Inc.

FM Study for: KICM	FCC Database Date: 2/98	33-26-34
Location: KRUM, TX	Channel Class: C3	97-08-08
Call City, State	Chan Class Freq kW Latitude Dist.	Required
Status Proponent	File Number HAAT Longitude Azm.	Clear (km)

>>>>>>> Study For Channel 229 93.7 mHz <<<<<<<<

KICM	HEALDTON, OK	229 C2	93.7	33.	34-02-27	68.8	177	
LIC	LAKE COUNTRY COMMUNIC	BMLH-960118KE	183	97-20-00	344.6	-108.2	SHORT	
	Use of 73.215	for short spacing requires:				166	-97.2	SHORT
From Channel 289C2 per D90-101								
KLTY	FORT WORTH, TX	231 C	94.1	98.	32-35-22	95.88	96	
LIC	METROPLEX BROADCASTIN	BLH-821104AG	485	96-58-10	170.6	-0.12	CLOSE	
KIKT	GREENVILLE, TX	228 C3	93.5	9.1	33-11-00	104.6	99	73.215
LIC	FIRST GREENVILLE CORP	BLH-961220KB	100	96-03-19	105.7	+5.6	CLOSE	
From Channel 228A Per D90-85								
KKZN	HALTOM CITY, TX	227 C2	93.3	50.0+	32-48-29	70.4	56	73.215
LIC	RODRIGUEZ RADIO, INC.	BLH-961016KC	133	97-07-52	179.7	+14.4	CLOSE	
KLXK	GRAFORD, TX	228 C3	93.5		33-06-51	117.3	99	
ADD	BIG COUNTRY RADIO, IN Docket-97-251	0	98-19-57	252.2	+18.3	CLEAR		
Site Restriction 21.7km Northwest								
KMKT	BELLS, TX	226 C3	93.1	6.8	33-41-31	70.0	43	
CP	RED RIVER RADIO, INC.	BMPH-970121IB	191	96-26-36	66.5	+27.0	CLEAR	
One-Step Application from Channel 226A								



JF&A
COMMUNICATIONS
CONSULTANTS

KICM
KRUM, TX
CITY OF COVERAGE MAP

